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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,932	10/21/2003	Mamoru Miyashita	Q78105	3172
23373 7590 05/15/2009				
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2100 PENNSYLVANIA AVENUE, N.W.				
SUITE 800				
WASHINGTON, DC 20037				
EXAMINER				
TRAN, NHAN T				
ART UNIT		PAPER NUMBER		
2622				
MAIL DATE		DELIVERY MODE		
05/15/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/688,932

Applicant(s)

MIYASHITA, MAMORU

Examiner

NHAN T. TRAN

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/9/2009 have been fully considered but they are not persuasive.

The Applicant submits:

i). Kowno does not anticipate "the preview image display" and the "captured image" recited in claim 1. When the image is supplied in from the memory, it is a stored image, not a preview image. When the image is supplied from the photoelectric conversion element, it is not a "captured image". Rather, the image data supplied from the photoelectric conversion element is provided to allow the user to confirm the object being photographed prior to a capture operation. The zoom operation disclosed in Kowno may thus be applied 1) prior to capture, or 2) after storage. Claim 1, on the other hand, allows for a change of size of a display object region of the captured image after capture, but before storage. Therefore, Kowno fails to disclose each of the elements of claim 1. (Remarks, pages 9-10).

ii). Though the Examiner relies on the operation of an image capture, zoom switch (or pen) to teach the feature of claim 1, there is no teaching in Kowno that the sequence described would ever occur in the cited art. Thus, the rejection is based on speculation and thus improper. Moreover, it is clear in Kowno that activation of a reproduction mode 7B is what allows previously recorded data to be reproduced, and thus zoomed. Col. 4, lines 26-29. Therefore, the zooming would follow activation of the

switch 7B and not the continuous ON state of the instruction section as claimed.

(Remarks, page 10).

In response, the Examiner understands the Applicant's arguments but respectfully disagrees with the Applicant's assessment of Kowno and the claim language for the following reasons:

i). First of all, the claim language is very broad and is not defined in claim 1 in the way the Applicant's arguments stated above. In a broad sense, the "preview image display" is considered as the display unit that displays an image before making a final decision to keep, edit or delete the image because "preview" is to *view or to show in advance of public presentation* as defined in Merriam-Webster dictionary. In fact, the preview image must be buffered or temporarily stored in a storage element of the camera by inherency in order to be displayed as a preview image in view of the above definition. Regardless of where the image is buffered/stored, it is not relevant to discuss here since the claim simply does not require. In view of this, Kowno has met the "preview image display" in col. 9, lines 4-9 and col. 16, lines 11-16. Secondly, the "preview image display" can be also considered as a live-view image display or electronic viewfinder in another consideration. Kowno has also met the "preview image display" in **another interpretation** in col. 20, lines 13-55, wherein live view image is displayed and controlled as an independent display mode. Important Note: *the claim limitation "preview image display" does not link to any subsequent limitations but simply "a control section which controls preview image display, and which...."* Thus, "preview image display" can be treated as **an independent mode** which simply

shows live view image under the control unit and **has nothing to do with any limitations after the word “,and which....”** because after this, the control section can control another displaying mode. Thirdly, Kowno clearly discloses that the image is “captured” in the memory before being displayed (col. 9, lines 4-9 and col. 16, lines 11-16). Also, “captured image” can be considered as the live view image that is buffered (equated as “captured”) prior to be displayed on the LCD 6 by inherency. The Examiner would like to point out that claim 1 does not require anything for changing of size of a display object region of the captured image after capture, but before storage as asserted by the Applicant above.

ii) In fact, all limitations of claim 1 have been met by Kowno as previously addressed in Office Action mailed 12/9/2008. Again, Kowno clearly teaches that the activation of displaying captured image can be performed **either** by activating key 7B or continuously pressing the release switch 10 (col. 4, lines 27-29; col. 9, lines 4-9 and col. 16, lines 11-16). According to Kowno, the image can be then zoomed or enlarged electronically using the zoom button 15 or pen 41 **during the period of displaying the captured image on the LCD 6** (col. 5, line 60 - col. 6, line 4 and col. 18, lines 5-60).

In view of the above, the rejection of claims 1-20 is proper and maintained.

Claim Objections

2. Claim 22 is objected to because of the recitation of quotation mark (") at the end of the claim. This should be removed. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Kowno et al. (US 7,154,544 cited in PTO-892 mailed 1/11/2007).

Regarding claim 1, Kowno discloses a digital camera (Figs. 1-13) comprising:

an image capture section (CCD 20 in Fig. 4) which captures a subject and generates a captured image (col. 6, lines 53-61);

a display section (LCD 6) which displays the captured image (col. 5, line 61 – col. 6, line 4);

an instruction section including an instruction switch (shutter release switch 10), which issues an image capture instruction to the image capture section when the instruction switch is in an ON state (col. 4, lines 50-53);

an input section (zoom button 15 in Fig. 1 or touch screen 6A with a pen in Figs. 9-13) which administers instructions relating to image display (col. 5, line 61 – col. 6, line 4 and col. 18, lines 5-60);

a control section (CPU 39 and DSP 33 shown in Fig. 4) which controls preview image display, and which, if the ON state of the instruction section is continually detected after the image capture instruction, controls such that the captured image is displayed at the display section during the ON state (see col. 9, lines 4-9 and col. 16, lines 11-16, wherein when the shutter release switch 10 is continuously pressed in the single capture mode (S), the previously captured image is instantly displayed on the LCD as a preview image) and which, if an instruction is issued by the input section during this ON state, controls a change of size (digital zooming) of a display object region of the captured image that is to be displayed at the display section; wherein the ON state is activated only when the instruction switch is fully pressed (see col. 9, lines 4-9; col. 5, line 61 - col. 6, line 4; col. 18, lines 5-60 and col. 21, lines 1-10, and it should be noted that the displayed captured image for preview in response to the continuous depression of the shutter release switch can be then digitally zoomed in or out using the zoom button 15 or the touch screen with a pen. Furthermore, the shutter release switch 10 must be fully pressed by inherency since it is a one-stroke release switch).

Regarding claim 2, Kowno also discloses a display control section (LCD driver and CPU 39) which controls such that the captured image is displayed at the display section during the ON state (the shutter release switch is continuously pressed); and a region control section (zoom section by button 15 or touch screen 6A) which, when the instruction is issued by the input section during the ON state of the instruction section, controls the change of the size (digital zooming) of the display object region of the

captured image that is to be displayed at the display section (see col. 9, lines 4-9; col. 5, line 61 - col. 6, line 4 and col. 18, lines 5-60).

Regarding claim 3, also clearly disclosed by Kowno is that the region control section comprises a position control section which changes position of the display object region in accordance with the instruction from the input section (see Figs. 8-12; col. 5, line 61 - col. 6, line 4 and col. 18, lines 5-60, wherein the position of the object region can be changed by pressing the zoom button 15 or dragging the pen on the touch screen as disclosed).

Regarding claims 4 & 5, it is clear in Kowno that the control section comprises detection section which detects the duration of the ON state (col. 9, lines 4-9 and col. 16, lines 11-16 in which the ON state of the shutter release switch 10 is continuously detected in order to enable the preview mode).

Regarding claim 6, this claim is also met by the analysis of claims 1-5, wherein the instruction section comprises a release switch (10).

Regarding claim 7, the subject matter of this claim is also met by the analyses of claims 1 & 2, wherein the controls section controls such that the captured image is displayed at the display section for as long as the instruction for display is detected (the shutter release switch is continuously pressed) and the sized of displayed image is

changed by zooming in or out during the captured image is being displayed as discussed above.

Regarding claim 8, this claim is also met by the analysis of claim 4 in which if the shutter release switch (10) is continuously detected as being pressed, the previously captured image is displayed for previewing.

Regarding claim 9, Kowno discloses that the image display instruction section comprises an image capture button (shutter release switch 10) which issues the instruction for image capture by the image capture section and which, after the instruction for image capture, issues the instruction for display of the captured image for as long as a state of the image capture button (as long as the shutter release switch is continuously pressed after capturing the image) at the time of the instruction for image capture is maintained (see col. 9, lines 4-9 and col.16, lines 11-16).

Regarding claim 10, Kowno further discloses that the control section controls so as to change at least one of size of the display object region of the captured image and position of the display object region (Figs. 8-12) in accordance with the instruction from the region change instruction section (col. 5, line 61 - col. 6, line 4 and col. 18, lines 5-60 and col. 21, lines 1-10).

Regarding claim 11, it is also seen in Kowno that the region change instruction section issues an instruction for change of the display object region of the captured image by selecting one or more from a plurality of pre-specified regions of the captured image (Figs. 8-12; col. 5, line 61 - col. 6, line 4 and col. 18, lines 5-60 and col. 21, lines 1-10, wherein the user can select any pre-specified regions on the image for digital zooming).

Regarding claim 12, this method claim is also met by the analysis of claim 1 or 7.

Regarding claims 13 & 14, these claims are also met by the analyses of claims 8 & 10, respectively.

Regarding claim 15, see the analysis of claim 1.

Regarding claim 16, see the analysis of claim 1, wherein the digital zoom operation is issued to change size of the display object (i.e., Figs. 9-12) during the captured image is displayed when the user continuously presses the shutter release switch 10.

Regarding claim 17, see claims 5 & 6.

Regarding claim 18, Kowno further discloses that the display section displays a through image when the image capture section is not issued (see col. 5, lines 53-60, wherein the LCD 6 has a live-view function to allow the user to view instantly captured images and to perform optical zoom prior to pressing the shutter release to record an image).

Regarding claim 19, Kowno further discloses that the captured image displayed at the display section comprises a preview image of the captured image (col. 9, lines 4-9 and col. 16, lines 11-16).

Regarding claim 20, this claim is also met by the analysis of claims 1 & 2, wherein the preview image is available when the release switch 10 is continuously pressed during the single capturing mode (S mode) of the camera (col. 9, lines 4-9).

Regarding claim 21, Kowno further discloses that the preview image (live view image) comprises the captured image (buffered image) prior to recording the captured image (see Examiner's response to the Applicant's arguments above for definition of "captured image").

Regarding claim 22, the subject matter of this claim is the same as claim 1, and thus has been met by the analysis of claim 1.

Regarding claim 23, Kowno further discloses that the image capture section (CCD 20) obtains and outputs a through image data of a subject, and captures a still image (single image in S mode) of the subject when the image capture instruction is issued, and the control section displays the through image at the display section if the ON state of the instruction section is not detected, and displays the captured still image at the displayed section if the ON state of the instruction section is continually detected after the image capture instruction (Fig. 4; col. 9, lines 4-9 and col. 20, lines 44-55).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NHAN T. TRAN whose telephone number is (571) 272-7371. The examiner can normally be reached on Monday - Friday, 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NHAN T. TRAN/
Primary Examiner, Art Unit 2622